

EX PARTE OR LATE FILED

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DEC 29 1994

LAW OFFICES
GINSBURG, FELDMAN AND BRESS
CHARTERED
1250 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036
TELEPHONE (202) 637-9000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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CORRESPONDENT OFFICE
9, RUE BOISSY D'ANGLAS
75008 PARIS, FRANCE

HENRY M. RIVERA
(202) 637-9012

TELECOPIER (202) 637-9195
TELEX 4938614

December 29, 1994

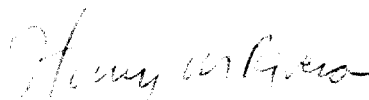
Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, D.C. 20554

Re: Ex Parte
PR Docket No. 93-61

Dear Mr. Caton:

Please associate the attached letters with the record in the above-referenced proceeding. Thank you.

Sincerely,



Henry M. Rivera

cc: Ruth Milkman, Esq.
Henry Goldberg, Esq.
Henrietta Wright, Esq.

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HAND DELIVERED

Lauren J. Belvin, Esquire
Senior Legal Advisor to Commissioner
James H. Quello
Federal Communications Commission
1919 M Street, N.W.
Room 802
Washington, D.C. 20554

Re: Ex Parte
PR Dkt. No. 93-61
Automatic Vehicle Monitoring

Dear Pete:

This is what I wanted to speak with you about late last week. I wanted to express Metricom's need for any resolution of the above-referenced proceeding to include the following elements:

- Do not allow AVM/LMS wideband forward links anywhere in the band and do not suggest that they may be considered in the future.
- Confine narrowband forward links to 927.250-928 MHz.
- Create an irrebuttable presumption of non-interference to multi-lateration systems from any Part 15 device operating with a fixed, outdoor antenna, regardless of height. In other words, Metricom's position is that there should be no height threshold for such Part 15 devices above which the irrebuttable presumption does not apply. However, if the Commission cannot be dissuaded from implementing such a height threshold, the absolute minimum Metricom can tolerate is a 15 meter antenna height threshold for outdoor devices operating at full authorized Part 15 power.

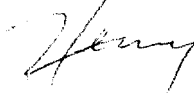
- Create an irrebuttable presumption of non-interference to multi-lateration systems from any Part 15 device that is mobile, portable or located indoors, regardless of the height at which such a device is operating. In other words, Metricom's position is that there should be no height threshold for such Part 15 devices above which the irrebuttable presumption does not apply.
- Keep all multi-lateration systems, and their forward links, out of 910-920 MHz.
- Require that all AVM/LMS reverse link transmitters have maximum power limits of 30 watts ERP.
- Prohibit AVM/LMS interconnection with the public switched telephone network.
- To provide protection to Part 15 operations in 902-28 MHz band, do not permit any additional licensed service for any purpose, in any portion of the band, by way of auction, lottery or other methodology.
- Do not raise the possibility of auctioning any portion of the 902-928 MHz band for Part 15-type use. If the above points are adhered to, Part 15 devices will be able, in most cases, to successfully share the full band for spread spectrum operations. Auctioning portions of the band for Part 15-type operations would undermine absolutely the original intent of Part 15 rules, raise the cost of Part 15 devices and services, and require FCC staff resources to determine a workable way to auction unlicensed spectrum and to resolve conflicts between licensed and unlicensed Part 15 operations.

Metricom would like to have a decision rendered in this proceeding, in line with the above criteria, as soon as possible. Such action would allow Metricom to continue with its business and assure its customers that Metricom equipment is able to remain fully operational, without threats of termination from LMS operators, in the 902-928 MHz band.

Lauren J. Belvin, Esquire
December 29, 1994
Page 3

We have asked the Secretary to make this letter a part of the record in the above-referenced proceeding.

Sincerely,

A handwritten signature in cursive script, appearing to read "Henry", written in dark ink.

Henry M. Rivera

cc: Ruth Milkman, Esq.
Henry Goldberg, Esq.
Henrietta Wright, Esq.
Mr. William F. Caton

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TELEX 4938614

December 29, 1994

HAND DELIVERED

Lisa Smith, Esquire
Legal Advisor to Commissioner
Andrew C. Barrett
Federal Communications Commission
1919 M Street, N.W.
Room 826
Washington, D.C. 20554

Re: Ex Parte
PR Dkt. No. 93-61
Automatic Vehicle Monitoring

Dear Lisa:

This will confirm our conversation on December 21, 1994, during which I expressed Metricom's need for the following elements to be included in any resolution of the above-referenced proceeding.

- Do not allow AVM/LMS wideband forward links anywhere in the band and do not suggest that they may be considered in the future.
- Confine narrowband forward links to 927.250-928 MHz.
- Create an irrebuttable presumption of non-interference to multi-lateration systems from any Part 15 device operating with a fixed, outdoor antenna, regardless of height. In other words, Metricom's position is that there should be no height threshold for such Part 15 devices above which the irrebuttable presumption does not apply. However, if the Commission cannot be dissuaded from implementing such a height threshold, the absolute minimum Metricom can tolerate is a 15 meter antenna height threshold for outdoor devices operating at full authorized Part 15 power.

Lisa Smith, Esquire
December 29, 1994
Page 2

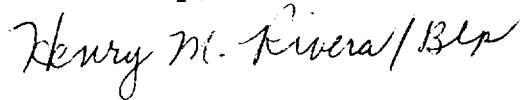
- Create an irrebuttable presumption of non-interference to multi-lateration systems from any Part 15 device that is mobile, portable or located indoors, regardless of the height at which such a device is operating. In other words, Metricom's position is that there should be no height threshold for such Part 15 devices above which the irrebuttable presumption does not apply.
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Metricom would like to have a decision rendered in this proceeding, in line with the above criteria, as soon as possible. Such action would allow Metricom to continue with its business and assure its customers that Metricom equipment is able to remain fully operational, without threats of termination from LMS operators, in the 902-928 MHz band.

Lisa Smith, Esquire
December 29, 1994
Page 3

We have asked the Secretary to make this letter a part of the record in the above-referenced proceeding.

Sincerely,

A handwritten signature in cursive script that reads "Henry M. Rivera / BLP".

Henry M. Rivera

cc: Ruth Milkman, Esq.
Henry Goldberg, Esq.
Henrietta Wright, Esq.
Mr. William F. Caton